



EB-2010-0018

IN THE MATTER OF the *Ontario Energy Board Act 1998*,
S.O.1998, c.15, (Schedule B);

AND IN THE MATTER OF an Application by Natural
Resource Gas Limited for an Order or Orders approving or
fixing just and reasonable rates and other charges for the
sale, distribution, transmission and storage of gas
commencing October 1, 2010.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 5

Natural Resource Gas Limited (“NRG”) filed an Application, dated February 10, 2010, with the Ontario Energy Board under section 36 of the *Ontario Energy Board Act*, S.O. 1998, c.15, Schedule B. The Board has assigned file number EB-2010-0018 to the Application.

The Board issued a Notice of Application dated March 1, 2010. The Town of Aylmer, Union Gas Limited (“Union”), Integrated Grain Processors Co-Operative Inc. (“IGPC”) and Vulnerable Energy Consumers Coalition (“VECC”) applied for and were granted intervenor status.

On August 3, 2010, IGPC filed a Notice of Motion to resolve certain issues related to the disagreement over the reasonable cost of construction of the 28.5 km pipeline built by NRG to serve natural gas to the IGPC ethanol plant.

IGPC owns and operates an ethanol facility in the Town of Aylmer, Ontario. In the Board Decision dated February 2, 2007 (EB-2006-0243), the Board granted NRG leave to construct the pipeline to supply the facility. In its Motion, IGPC has indicated that to date, IGPC and NRG have not been able to resolve differences over costs and require the Board’s assistance to achieve a resolution on these matters.

IGPC has filed the Motion under the docket number of the Leave to Construct Application (EB-2006-0243). Pursuant to its powers under section 21(5) of the *Ontario Energy Board Act, 1998*, the Board has determined that it will hear the Motion under NRG's 2011 Rates Case proceeding.

THE BOARD THEREFORE ORDERS THAT:

1. IGPC is hereby directed to serve the Notice of Motion excluding the confidential information to all parties in the EB-2006-0243 and EB-2010-0018 proceeding.
2. IGPC has filed certain information in confidence. The Board will treat this information in accordance with the Board's Practice Direction on Confidential Filings. Parties objecting to the information being treated as confidential should make their submission clearly providing reasons as to why the information should be provided in the public forum by **August 13, 2010**.
3. Any counsel or consultant wishing to review the materials for which NRG has claimed confidential status prior to the Board making a final ruling on this issue shall execute and file the Board's Declaration and Undertaking, in conformance with the Practice Direction on confidential filings. If the Board ultimately accepts that the materials should be confidential, the Undertaking will continue to apply.
4. If NRG or other parties wish to file any responding materials to the Notice of Motion, they shall do so by **August 27, 2010**. Any submissions should address how the issues identified in the Motion differ from issues that are already being addressed in the NRG 2011 Rates Case, the costs that the Board should address as part of this rates proceeding, and whether the Board is an appropriate platform to address cost disputes that do not impact rates.
5. An oral hearing will be held on Tuesday, **September 7, 2010** at 9:30 a.m. in the Board's North Hearing Room on the 25th floor at 2300 Yonge Street, Toronto. The Board reminds all parties that they must be prepared to address all the issues identified in the Motion and any additional evidence that may be filed. The hearing for the rates case itself may proceed immediately following the hearing of the Motion.

DATED at Toronto, August 9, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary